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From: CN=Tom Hagler/OU=R9/O=USEPA/C=US
Sent: Fri 4/24/2009 6:13:02 PM
Subject: ACT Meeting Summary

Although the premature summer weather disappeared the night before, I had a very pleasant drive up to the Club FED and ACT meetings in Sacramento on Thursday. They were interesting meetings, well attended, with all sorts of information disseminated. Here are the highlights:

1. The Corps has a new position to coordinate Delta activities in both Planning and Regulatory, in both Sacramento and San Francisco offices. The position - "Delta Programs Integrator" - is being filled by a woman named Tanis Toland ((916)557-6717; Tanis.J.Toland@usace.army.mil) who works out of the Sacramento District office. She seems very nice, is aware of the intra and inter office politics in creating this position, and was eager to reach out to other agencies as she learns the ropes.
2. There is a brewing controversy over whether and how action agencies must use the ASIP (Action Specific Implementation Plan) approach articulated in the MSCS/ROD as the ESA consultation approach. The controversy, in short, is that some of the agency staff have taken that process and amplified it into a specific set of requirements. The issues are (a) is the ASIP process really adding any value in terms of streamlining consultation? and (b) how "mandatory" is the ASIP process, especially given that the MSCS has arguably expired or, at best, is of questionable vitality.

EPA doesn't really have a dog in this particular argument.

3. Joe Grindstaff was present and engaged for the entire meeting. His comments were primarily about the "unprecedented" legislative effort to craft a deal "this term." Apparently, a bicameral, bipartisan group of legislators is meeting twice a week and doing various tours, etc., all designed to come up with a deal by June 1 or soon thereafter. The major components/issues being dealt with are: (1) what the new council will do and look like; (2) what the new conservancy will look like; (3) what changes in water rights and/or water rights enforcement will be mandated; (4) what the bond (currently scheduled for November 2010) will look like; and (5) what the conservation element ("20 by 2020") will look like. Fairly simple stuff.

Joe also discussed the need for Federal legislation, given that the current CALFED authorization expires in 09/10. Sen. Feinstein has apparently agreed to sponsor the legislation on a short track, but may do it as a short term (2 to 5 year) reauthorization pending completion of the BDCP process. Two issues relevant to EPA are (1) that Joe believes this authorization needs to get the funding spread around to other federal agencies; and (2) this legislation may be the vehicle for imposing some sort of federal agency consistency determination on Delta actions.

4. Note that the Conservation Strategy required by the ROD is still being prepared by CDFG, with a draft of the first section (Delta and Suisun Marsh) due in 2010. We were assured that this Strategy will be wholly consistent with the Conservation Plan for the BDCP.

5. Program plans: I will get you each the Template, so that you'll know what to expect. The current schedule is:

June 9: Draft program plans to CALFED agencies for "red flag" review.

June 16: "Red Flag" Comments due back to CALFED

July 1: Submit final plans to CALFED website

6. And finally, in a human interest story, Marc Holmes of the Bay Institute was apparently fined \$200 for not filing his California Bay Delta Authority FPPC financial disclosure forms. His claim that the Authority was defunct and has not met for years did not save him.

In closing, I really enjoyed this opportunity in renewing interagency ties and working together to forge a common vision.